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Nineteenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 299th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 November 1997, at 10 a.m.

Chairman: Mr. DIPANDA MOUELLE

CONTENTS

ADOPTION OF THE AGENDA

ORGANIZATIONAL AND OTHER MATTERS

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.299/Add.1.

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The meeting was called to order at 10.10 a.m.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CAT/C/41)

1. The provisional agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

2. Mr. BRUNI (Secretary of the Committee) said that a response by the General Assembly to the Committee's request that it be permitted to convene for an additional week during its spring session was expected imminently.

3. Mr. BURNS said he noted that reports from only six States parties to the Convention were to be considered at the current session, while only nine reports were listed for consideration at the twentieth session. He would like to know the extent of the backlog of work which such numbers implied.

4. Mr. BRUNI (Secretary of the Committee) confirmed that, for the first time, the Committee had a small backlog. He pointed out, however, that the list compiled for the Committee's twentieth session was not definitive, as it comprised only those reports that had already been submitted and would be supplemented as and when other reports were received.

5. Mr. SØRENSEN said that he had two short reports to make to the Committee concerning the draft optional protocol to the Convention and the Committee on the Rights of the Child, respectively.

6. Furthermore, in view of the likelihood that, at its current session, the General Assembly would decide to mark the Committee's tenth anniversary by declaring 26 June 1998 a day for the remembrance of torture victims, he suggested that the Committee should also consider some form of commemoration.

7. The CHAIRMAN said that the Secretariat would endeavour to find time during the current session for the Committee to hear the two reports in question.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 3)

8. The CHAIRMAN said that, subsequent to the Committee's recommendation, following its consideration of the special report of Israel (CAT/C/33/Add.2/Rev.1), that Israel should submit its second periodic report no later than 1 September 1997, he had received a letter from the Permanent Representative of Israel informing him of an inevitable delay in that submission.

9. The comments submitted by the Government of Ukraine on the recommendations and conclusions of the Committee following its consideration of Ukraine's third periodic report in May 1997 were currently available in the working languages.

10. At the request of Mr. PIKIS and Mr. SØRENSEN, Mr. BRUNI (Secretary of the Committee) read out the letter from the Permanent Representative of Israel.

11. Mr. GONZÁLEZ POBLÉTE said that the delay in the submission of Israel's second periodic report was disturbing, the more so since the Supreme Court of Israel had once again handed down decisions similar to those that had initially provoked the Committee's reaction. The Committee's reasons for concern thus remained unchanged.

12. Mr. PIKIS said that the Committee should inform the Government of Israel that the delay was unjustified and set a new submission date that was well in advance of the next session. It should also mention the disturbing fact referred to by the previous speaker, which demonstrated that the Committee's disapproval and condemnation of Israeli judicial decisions had gone unheeded.

13. Mr. SØRENSEN said he had recently attended a seminar in Gaza, at which torture had been the main item on the agenda. According to the information made available on that occasion, the situation in Israel had certainly not improved and might even have deteriorated. Allegations of torture had also been made against the Palestinian police.

14. He supported the idea of sending a letter to the Israeli authorities, couched in very strong terms, perhaps indicating that the Committee intended to take up the situation in Israel at its next session, regardless of whether it had received the second periodic report by that date. Israel must either change its existing practices or denounce the Convention.

15. Mr. YAKOVLEV said it would be deplorable if a second letter to the Government of Israel proved as fruitless as the first. From the legal point of view, he wondered whether the situation in Israel came within the terms of article 20 of the Convention and could be dealt with under that heading.

16. The CHAIRMAN pointed out that Israel did not recognize the competence of the Committee provided for in article 20.

17. Mr. BURNS said that the Committee had consistently refrained from examining the situation in a State party in the absence of a report. While he shared Mr. Yakovlev's dislike of fruitless exhortations, he felt that the Committee should respond to the letter from the Permanent Representative of Israel, expressing disappointment at Israel's failure to submit its second periodic report by the recommended date and setting a new reasonable deadline for resumption of the dialogue. The Committee's jurisdiction under article 19 depended on the cooperation of the State party concerned and attempts to exert pressure might well prove unproductive.

18. Mr. CAMARA recommended a cautious approach based strictly on the terms of the Convention and the Committee's mandate. The letter to the State party should simply state that the Committee intended to exercise its competence under article 19 and would present an account in its next annual report of the outcome of its consideration of Israel's special report (CAT/C/33/Add.2/Rev.1).

19. Mr. BURNS said that the annual report should include a reference to the fact that Israel had not responded to the request for a second periodic report.

20. Mr. PIKIS said that the Committee's competence, concerns and long-term viability were delicate matters that ought to be discussed. He wondered what powers were available to the Committee if a State party refused to respond to a direction for the submission of a report and whether it could issue a condemnation in those circumstances. If not, the basic purpose of the Convention and its monitoring mechanism would be frustrated.

21. In the specific case of Israel, he felt that the Committee's letter should express disappointment at the absence of a report and grave concern at the fact that the Israeli Supreme Court continued to deliver judgements which condoned the torture and inhuman treatment of detainees.

22. The CHAIRMAN said that the Committee had frequently discussed the appropriate reaction to a State party's persistent failure to submit a report and had firmly ruled out the possibility of discussing the situation in the country concerned without a report. He invited Mr. Pikis and Mr. Burns to draft a fairly stern letter requesting submission of a report in time for the next session, at which the Committee would accord priority to its consideration.

23. It was so decided.

24. Mr. BRUNI (Secretary of the Committee) drew the attention of members to the notes to agenda item 3 (CAT/C/41) which contained information regarding overdue reports.

25. Of the 100 initial reports due between June 1988 and October 1997, 66 had been submitted and 34, or about one third, were overdue; 20 were more than three years overdue. The States concerned had already received between 5 and 15 reminders, according to the length of the delay, including letters from the Chairman to the relevant ministries of foreign affairs.

26. Moreover, at its eleventh session, the Committee had requested Benin to submit a new version of its initial report, which had been deemed to be too brief. Despite five reminders and a letter to the Ministry of Foreign Affairs, the report in question had not been received.

27. Of the 69 second periodic reports expected between June 1992 and October 1997, 36 had been submitted and 33, or just under half, were overdue; 12 were more than three years overdue. Between four and eight reminders had been sent to the States concerned.

28. Of the 26 third periodic reports requested for 1996, 9 had been submitted and 17 were more than a year overdue; a first reminder had been sent to the States concerned. Nine third periodic reports had been requested for 1997.

29. Following the consideration of its third periodic report the Government of (CAT/C/34/Add.3), the Government of Denmark had forwarded additional information on new guidelines for police officers concerning the use of force, which had been communicated to the country rapporteurs, Mrs. Iliopoulos-Strangas and Mr. Regmi. Ukraine's comments on the Committee's concluding observations on its third periodic report were contained in document CAT/C/XIX/Misc.4.

30. The nine reports awaiting consideration by the Committee at a future session concerned the following States parties: France, Germany, Guatemala, Kuwait, New Zealand, Norway, Panama, Peru and Sri Lanka.

The public part of the meeting rose at 11.35 a.m.